

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Shepherd)
Serial No.: 10/021,386)
Filed: 10/26/01)
For: PROTECTED DISPLAY CASE)
_____)

Examiner: Hansen, James Orville

Art Unit: 3637

February 2, 2004

Tustin, California

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Declaration of Mr. Marion Halfacre

I, Marion Halfacre, being warned that willful false statement, and the like, are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application (or document) or any patent relating thereto, state that:

1. I am the owner of "Traditional Jewelers" located at 203 Newport Center Drive, Newport Beach, CA.
2. As part of my business, I exhibit a variety of valuable jewelry items in display cases throughout my store. It is important to have the jewelry seen by customers, but also equally important to have the items as secure as possible during viewing.
3. The usual procedure for storing the more expensive items that at the end of the day is to remove those items from the cases and put them in a vault. This has some drawbacks.
4. First, it is time consuming and labor intensive to remove items and then replace them into the cases the next business day.

5. Secondly, there is a chance that items can be lost when being moved from place to place.

6. Finally, it is possible that the jewelry could be inadvertently damaged when moved.

7. A number of jewelry stores, such as Nieman Marcus, use a vault type security display device to exhibit valuable jewelry in a secure environment and remove the need to transfer the jewelry at the end of the day.

8. Having seen these devices, I determined that these security displays were not of a sufficient quality or esthetic appearance for use in my store.

9. For example, the Nieman Marcus display merely covered the jewelry with a panel. It is possible to still see the jewelry at some angles. I also thought the way the panel was used was not the best possible design.

10. During Sept 17 of 1999 I contacted Mr. Brad Shepherd to find out if Mr. Shepherd could design, develop, and install a security display device of a high quality and esthetic appearance in my store.

11. I wanted the device to have some of the features found in the Nieman Marcus display. In particular, I wanted the jewelry to be on display during business hours and at the end of the day to be secured in such a way as not to be seen through the display.

12. I also wanted the device to be more reliable and more secure than the Nieman Marcus display.

13. Mr. Shepherd informed me that he did not have such a product readily available and that he would have to create a security display to meet my needs

14. Mr. Shepherd also informed me that since the display he was creating was new and novel he would need access to the device while it was being tested and used in my store to evaluate the performance of the display case. This would be a complete access to allow Mr. Shepherd to operate, maintain, and improve the device.

15. I told Mr. Shepherd that I would need at least six (6) units so that they would appear homogenous so that no one single unit would stand out in my store. Mr. Shepherd agreed.

16. I understood that Mr. Shepherd would be making devices that were experimental and not yet tested and that the devices were being used in my store to test the device under actual operating conditions. I also understood that I would be agreeing to allow Mr. Shepherd to access the devices for changes in parts/design, maintenance, and repair as Mr. Shepherd saw fit.

17. Based upon this agreement, I paid Mr. Shepherd \$48,000 for six (6) devices, which Mr. Shepherd created and installed in my store on 1-27-00.

18. Mr. Shepherd has had full access to the displays and routinely evaluates the operation of the displays.

19. I have found Mr. Shepherd's displays to be more reliable, of a higher quality, and more esthetically appealing than other security display I hade seen.

20. In fact, there was an attempted robbery of my store on 1-16-01. During that attempted robbery, the robbers fired semiautomatic weapons and a number of the bullets hit the displays built by Mr. Shepherd.

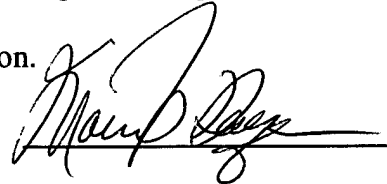
21. The displays protected the jewelry and no items were damaged or destroyed.

22. The displays have proven their value and I would be interested in purchasing more displays.

23. I am aware that Mr. Shepherd is seeking a patent on his security display device and I am aware that my testimony will be used to pursue that endeavor.

24. I make this declaration on my personal knowledge, and if called can and shall competently testify to each matter stated. I declare under penalty of perjury that the foregoing is true and correct as to the best of my recollection.

Date: 2-2-07

A handwritten signature in black ink, appearing to read "Marion Halfacre", written over a horizontal line.

Mr. Marion Halfacre



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DECLARATION OF BRAD SHEPHERD

I, Brad Shepherd, inventor of the protected display case described and claimed in the subjection application, in making this supplemental declaration in response to the Office Action dated August 27, 2003 state as follows:

1. The display case that I developed and installed in Mr. Halfacra's Traditional Jewelers store utilized, as the lifting mechanism, two vertically oriented lead screws mounted on the base of the cases lower compartment. A motor operated, chain drive system operated the lead screw which, via a pair of follower nuts, carried on opposite ends of the shelf, raised and lowered the shelf.

2. As pointed out in my earlier declaration, the Traditional Jewelers' case was my first attempt in designing a security case in which expensive items, such as jewelry, would be available for display to customers during regular business hours and then protected against theft during nonbusiness hours. The idea was to eliminate the need for the store personnel to move and store the items in a separate safe when not on display.

3. My arrangement with Mr. Halfacre, which allowed me full access to the installed display cases, is spelled out in my earlier declaration and in the declaration of Mr. Halfacre submitted herewith. I considered it essential that the case be tested in actual in-store conditions to find out if the design would function reliably when used by relatively unskilled (mechanically) personnel. In particular I was concerned with the reliability of the lifting mechanism and whether or not small jewelry items would get lodged in the mechanism over time causing the mechanism to jam and/or destroy the jewelry.

4. As a result of my experience with the Traditional Jeweler's case, I redesigned the lifting mechanism to overcome the jamming problem. I commenced working on the new design in late December 2000 to early January 2001. The new design is shown in Figs. 1, 1a, 11-12 and described in new claims 38-49 and was to be supplied, when completed, to Display Works of Irvine, California for resale to Neiman Marcus in Dallas, Texas.

5. Attached as Exhibit B is a copy of a letter from Display Works to Neiman Marcus, dated March 5, 2001, concerning the development of the prototype. One important requirement was to maximize shelf space. The lead screw type lifting mechanism used in the Traditional Jeweler's case required about 2" minimum of dead space on each end to accommodate the lead screw mechanism. This space was not useable.

6. Attached as Exhibit C is a copy of a letter, dated March 19, 2001, from Neiman Marcus in response to the March 5, 2001 letter. Attached as Exhibit D is a copy of a bill dated June 21, 2001, from my company to Display Works, for the prototype final design. Attached as

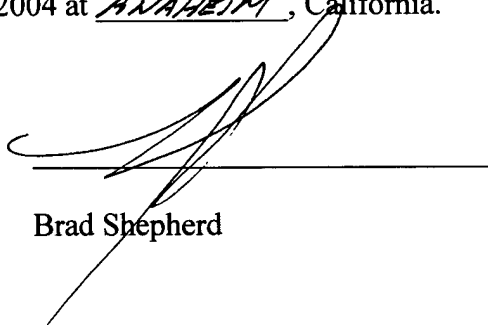
Ex. E is a copy of a bill, dated November 11, 2001, for my time to install the first completed case of my new design at Neiman Marcus.

7. The redesigned lifting unit as depicted in Figs 1, 1a, and 11-12a of this application was not completed, even in crude form, until the Spring of 2001 and not sold or in public use until after June of 2001 or on sale in any sense prior to March of 2001.

8. The redesigned unit ("new design"), using a motor carried under the moveable shelf to move the shelf up and down via worm gears meshing with teeth formed on vertically oriented tracks on opposite sides of the bottom section (a) provides more useable shelf space, i.e., about 4", (b) raises and lowers the shelf more smoothly, i.e., eliminates the wiggle problems which had a tendency to disturb the jewelry and (c) raises and lowers the shelf at a greater speed as contrasted with the lead screw design.

9. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, that these statements made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Signed this 12 day of February, 2004 at ANAHEIM, California.



Brad Shepherd